

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re *Ex Parte* Application of Libyan Asset
Recovery and Management Office to Conduct
Discovery for Use in Foreign Proceedings
Pursuant to 28 U.S.C. § 1782,

Petitioner.

Misc. Case No. M-_____

**EX PARTE APPLICATION FOR AN ORDER PURSUANT TO 28 U.S.C. § 1782
TO CONDUCT DISCOVERY FOR USE IN FOREIGN PROCEEDINGS**

Petitioner, the Libyan Asset Recovery and Management Office (“LARMO” or “Petitioner”), respectfully asks this Court to grant the Order submitted with this Application, which gives Petitioner leave, pursuant to 28 U.S.C. § 1782 and Rules 26 and 45 of the Federal Rules of Civil Procedure, to serve Bank of America N.A., Citigroup Inc. d/b/a Citibank, JP Morgan Chase Bank N.A., UBS Group A.G., HSBC Bank, Credit Suisse Bank N.A., Bank of New York Mellon Corporation, and Deutsche Bank Trust Company Americas (the “Subpoenaed Entities”) the subpoenas attached as “**Exhibits A-H**” to this Application, and in support thereof states as follows.

The requested relief is for the purposes of obtaining necessary discovery in aid of contemplated foreign proceedings. Petitioner, LARMO, was created by the Libyan state with the support and encouragement of the United Nations and the European Union to locate, recover, and repatriate misappropriated and neglected (or abandoned) assets belonging to the Libyan people. This Application specifically targets the tens of billions of dollars stolen by Muammar Muhammed Abu Minyar al-Gaddafi (Gaddafi) over the course of his 32-year dictatorship, which ended violently during the Arab Spring of 2010-11.

Based on its investigation, LARMO believes that Gaddafi and/or his family members or agents, held or currently hold, accounts or assets and/or have transacted with

certain financial institutions located in New York. The Subpoenaed Entities are the entities to be subpoenaed for records and other documents of accounts held by Gaddafi, his family members, agents, and/or affiliated persons, or transactions involving Gaddafi, his family members, agents and/or affiliated persons, as set forth in more detail in the accompanying Declaration of Anwar Arif.

Once this information is obtained, LARMO shall commence actions abroad to freeze and/or recover assets identified via the discovery sought through this Application. Any assets recovered by LARMO shall be, first and foremost, returned to the Libyan people and also used to fund long-term recovery efforts.

Based upon the Declaration of Anwar Arif and the accompanying Memorandum of Law to this Application, the Court should grant this Application *ex parte*.

A. The Documents Sought

Petitioner seeks bank records and documents from the Subpoenaed Entities relating to bank and investment accounts and business transactions, which the Petitioner believes were used to misappropriate funds belonging to the Libyan state and transfer assets out of the United States.

B. Petitioner's Application Should Be Granted

Petitioner meets all the statutory criteria for the issuance of an order allowing the requested discovery under 28 U.S.C. § 1782. The Subpoenaed Entities are all located in this District. The Petitioner seeks to use the documents it requests from the Subpoenaed Entities in a reasonably contemplated foreign proceeding. The documents sought from the Subpoenaed Entities are necessary to identify and locate the assets so that the Petitioner may duly commence actions to recover them. Moreover, as set forth in the Memorandum of Law filed concurrently herewith, all the discretionary factors that this Court may consider likewise favor granting this *ex*

parte Application. *See Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 241, 264-65 (2004) (describing discretionary factors).

Accordingly, Petitioner respectfully requests that the Court: (a) grant the Application for an Order to Conduct Discovery in a Foreign Proceeding *Ex Parte*; (b) enter the Proposed Order; (c) grant Petitioner leave, pursuant to 28 U.S.C. § 1782, to serve the subpoenas attached to this Application as Exhibits A-H; and (d) grant any and all further relief deemed just and proper.

Respectfully submitted this 9th day of December, 2021.

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